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J. S. SUMMERS  
CLERK OF COURTS  
MONTGOMERY CO., OHIO

IN THE COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, OHIO

STATE OF OHIO, ex rel.,  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO,

Plaintiff,

vs.

DAYTON ELECTROPLATE, INC. AND  
CHARLES J. BORUM,

Defendants.

: CASE NO. 94-0518  
:  
: JUDGE BARBARA P. GORMAN  
:  
: JUDGMENT ENTRY  
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This matter came on to be heard on January 16, 1996 pursuant to a Motion to Show Cause Why Defendants Should not be Held in Contempt for Violation of the Court's May 4, 1995 Order and Charges in Contempt filed by the Ohio Attorney General on behalf of the Ohio Environmental Protection Agency ("Ohio EPA"). During discussions held in chambers, Defendants admitted that they were in contempt of the Court's May 4, 1995 Order. Therefore, the Court finds Defendants in contempt of its May 4, 1995 Order and further orders that Defendants shall:

- (1) on or before March 22, 1996, submit an approvable closure plan to Ohio EPA in accordance with Section IV, paragraph 6 of the May 4th Order;
- (2) on or before February 16, 1996 pay three thousand dollars (\$3,000) in overdue civil penalties and the one thousand dollar (\$1,000) overdue enforcement costs;

- (3) pay stipulated penalties associated with this finding of contempt not to exceed Fifteen Thousand Dollars (\$15,000.00) pursuant to the payment schedule subsequently agreed to by the parties. In any event, all stipulated penalties are to be paid no later than December 31, 1997. In the event Defendants fail to comply with the instant judgment entry and additional contempt is found by this Court, stipulated penalties shall not be limited to Fifteen Thousand Dollars (\$15,000.00);
- (4) on or before February 29, 1996, submit additional financial information to enable the State to investigate Defendants' alleged inabilities to comply with the Court's May 4, 1995 Order; and
- (5) immediately attain and maintain compliance with the May 4, 1995 Order with regard to ongoing facility hazardous waste handling activities in accordance with Ohio Revised Code Chapter 3734 and Ohio Administrative Code Chapter 3745-52.

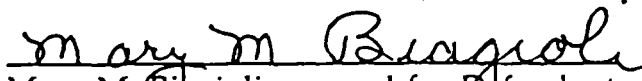
IT IS SO ORDERED.

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JUDGE BARBARA P. GORMAN  
COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, OHIO

Approved:

  
Lori A. Massey AAG, counsel for Plaintiff

  
Mary M. Biagioli, counsel for Defendants

09009

WENDI D. PEGG  
RECORDER

JUN 6 3 33 PM '84

MUN. CLERK (CO. CLERK)

DEED

DAYTON

RUTH H. WRAY, unmarried, JANET H. CAINE and JOHN F. CAINE, JANET H. CAINE being also known of record as JANET H. HARTZELL, JANET H. CAIN, and JOHN F. CAINE also being known of record as JOHN F. CAIN, of Montgomery County, Ohio for valuable consideration paid, grant, with general warranty covenants, to DAYTON ELECTRO PLATE, INC., whose tax-mailing address is 1030 Valley Street, Dayton, Ohio 45404, the following REAL PROPERTY:

Situate in the City of Dayton, County of Montgomery, and in the State of Ohio and in Section 35, Town 2, Range 7, M.R.S., and comprising City of Dayton Lots and parts of Lots and unplatted tracts all as particularly described in Exhibit A hereto attached and made a part hereof. 27359 #01 1000.00

Prior Deed References: Deed Book 1729  
Page 518  
Microfiche 7346D05  
Deed Book 1985  
Page 247  
Microfiche 78092B09  
Microfiche 84

This conveyance is made and accepted subject to all covenants, conditions, restrictions, reservations and easements, if any, contained in any instrument of record pertaining to said real estate; to all legal highways; and all zoning and building laws or ordinances; except taxes and assessments due and payable in June, 1984, and thereafter.

Witness their hands this 1st day of June

1984.

Signed and acknowledged in the presence of:

*Ruth H. Wray*

Ruth H. Wray

Witness

Janet H. Caine

Witness

John F. Caine

STATE OF OHIO, COUNTY OF MONTGOMERY, ss.

BE IT REMEMBERED, That on this 1st day of June 1984, before me, the subscriber, a Notary Public in and for said county, personally came, Ruth H. Wray, Janet H. Caine and John F. Caine

Came the Grantors in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.



This instrument prepared by  
ROBERT U. CREW, Attorney at Law  
2580 Kettering Tower  
Dayton, Ohio 45423

ROBERT U. CREW, Attorney at Law  
Kettering, Ohio 45423  
Notary Public for the State of Ohio  
My commission expires on 08/27/97

**PICKREL, SCHAEFFER AND EBELING**

A LEGAL PROFESSIONAL ASSOCIATION

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ANDREW C. STORAR  
JON M. ROSEMEYER  
DAVID C. KORTE  
\*Also licensed in KY  
JAMES W. KELLEHER

BETH W. SCHAEFFER  
JAMES L. JACOBSON  
\*Also licensed in FL  
MARY M. BIAGIOLI  
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MICHAEL W. SANONER  
C. MICHELLE DEPLEW

OF COUNSEL

GORDON H. SAVAGE  
DONALD G. SCHWELLER

August 30, 1996

Lori A. Massey  
Assistant Attorney General  
Office of the Ohio Attorney General  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215

Re: State of Ohio v. Dayton Electroplate, Inc., et al.  
Case No. 94-0518

Dear Ms. Massey:

This letter is in response to your letter dated August 26, 1996 to Mary Biagioli, which our office received on August 30, 1996, concerning the above captioned matter.

As you probably are aware, KeyBank (fka Society National Bank) is releasing its first mortgage with respect to the Dayton Electroplate real estate and its security interest relating to the machinery and equipment. I have had a conversation with Robert Crew, attorney for Ruth H. Wray and John and Janet Caine, the holders of the second mortgage, and I am under the impression that these creditors also might release their mortgage. To the best of our knowledge, this would leave the Dayton Electroplate facility unencumbered.

Mr. Borum also has indicated that he might be willing to release his security interest with respect to the machinery and equipment, which would leave such assets unencumbered (the prior security interest of the second mortgage holders on the machinery and equipment was not validly perfected).

There are not funds available from the bankruptcy estate to fund a cleanup. However, if the State of Ohio funds a cleanup, perhaps the real estate, machinery and equipment can then be sold, with the proceeds going to reimburse the State.

Please contact me to discuss the foregoing.

Sincerely,

PICKREL, SCHAEFFER & EBELING  
CO., L.P.A.



Paul H. Spaeth

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